

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GARY RHINES,	:	
Plaintiff	:	
	:	CIVIL NO. 3:12-CV-1601
v.	:	
	:	(JUDGE NEALON)
UNITED STATES OF AMERICA,	:	(MAGISTRATE JUDGE CARLSON)
Defendant	:	

ORDER


NOW, THIS 21st DAY OF JULY, 2014, for the reasons set forth in the Memorandum issued this date, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation, (Doc. 53), is **ADOPTED**;
2. Plaintiff's motion for summary judgment, (Doc. 50), is **DENIED without prejudice**;
3. Plaintiff's objections, (Doc. 55), are **OVERRULED**;
4. This matter is **REMANDED** to Magistrate Judge Carlson for further proceedings; and
5. Any appeal will be deemed frivolous, without probable cause, and not taken in good faith.

FILED
SCRANTON

JUL 21 2014

PER _____
DEPUTY CLERK


United States District Judge